BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 90 of the	)	
Commission's Rules to Adopt	)	PR Docket No. 93-61
Regulations for Automatic	)	RM 8013
Vehicle Monitoring Systems	)	

TO: The Commission

REPLY COMMENTS OF THE INTERAGENCY GROUP

The New Jersey Highway Authority, the New Jersey Turnpike Authority, the New York State Thruway Authority, the Pennsylvania Turnpike Commission, the Port Authority of New York and New Jersey, the South Jersey Transportation Authority, and the Triborough Bridge and Tunnel Authority (hereinafter "The Interagency Group"), by their attorneys, hereby submit a Reply to the Comments received by the Commission in response to the Notice of Proposed Rulemaking ("NPRM") in the above-captioned matter.

In its initial Comments regarding the Commission's proposal to issue permanent rules for automatic vehicle monitoring ("AVM") systems, the Interagency Group urged the Commission to ensure that such rules provide the maximum flexibility necessary for users to make cost-effective, performance-based choices among a variety of AVM technologies in a competitive marketplace. The Interagency Group also expressed its concern that the Commission's tentative proposal to partition the 902-928 MHz band, in order to insulate

"wide-band pulse-ranging" systems from so-called "narrow-band" systems, is inconsistent with the goal of flexibility and is based on mistaken assumptions regarding interference problems and spectrum usage distinctions among existing AVM system technologies. Finally, the Interagency Group asked the Commission to address in its rulemaking the special needs of Government and quasi-Government entities that are using AVM technologies to implement electronic toll collection and other advanced traffic management systems under the mandate of the Intelligent Vehicle-Highway Systems Act of 1991.

Based on its review of the other initial Comments that were filed with the Commission in this proceeding, the Interagency Group submits the following in brief Reply:

The initial Comments filed in this proceeding demonstrate

below. In light of the near-universal criticism its partitioning proposal has received from a diverse range of AVM system manufacturers, users, operators, and developers, as well as the entire Part 15 community, the Commission must either provide strong factual support for its assertions or abandon its proposed rule as unsupported by the evidentiary record in this proceeding.[1]

For this reason, the Interagency Group urges the Commission to carefully review the submissions in this proceeding and focus its attention on the evidence they present for factual findings by

"freeze" request and the partitioned allocation urged by Teletrac and tentatively supported by the Commission.

By their number and diversity, as well as their substance, the initial Comments filed in response to the NPRM provide a great deal of evidence indicating that AVM technologies and services are not fallow fields for investment and development but are vibrantly emerging and evolving areas of efforts by a broad range of public and private interests. See, e.g., Comments of Texas Instruments and MFS Network Technologies at p.15 (list of major telecommunications and technology companies that are developing systems and bidding on large-scale projects).

To the extent the Commission's proposed partitioning scheme represents a radical break with the spectrum "sharing" principles that are embodied in the current AVM rules and are supported by the overwhelming majority of commenters, it is the NPRM itself, rather than the current rules, which clouds the future of AVM investment and development with uncertainty. The Commission has a heavy burden of justification for its proposed partitioning scheme which it must proceed to meet in the record of this proceeding by conducting a thorough, factual assessment of the AVM marketplace and the impact of the regulatory environment created by the current rules on related investment and development.

What is the nature and extent of AVM system interference problems, and what changes in technology and/or regulatory policy could ensure that they may reasonably be avoided or resolved?

Although co-channel interference is the primary basis for the Commission's proposed scheme to exclude so-called "narrow-band" AVM systems from the bands currently used by "wide-band pulse-ranging" AVM systems, the discussion of interference problems in the NPRM is scant and conclusory. The Commission acknowledges that "there may be a number of ways to overcome at least a limited increase" in such interference, but summarily concludes, without discussing or even identifying them, that "these are generally not reasonable or cost-effective solutions." (NPRM at paragraph 14.)

Many of the initial Comments discuss specific technical ways of addressing interference problems. See, e.g., Comments of Amtech at p.21 (discusses use of filters, noise cancelers, and other means of minimizing interference); Comments of Association of American Railroads at p.6 and 7 n.2 (discusses "notching"); Comments of Hughes Aircraft Company at p.6 (discusses limits on radiated power and antenna heights); and Comments of Mark IV at p.3-4 (discusses value of reduced intensity of radiated emissions and confined coverage design). Before reaching any conclusions regarding the reasonableness or cost-effectiveness of technological solutions to interference problems, the Commission has a responsibility in this rulemaking to fully identify and discuss the technical and economic feasibility of these and other available technical fixes as part of the record of this proceeding.

Moreover, as the Interagency Group explained in its initial Comments, it is not at all clear that the current "cooperation"

requirements for resolving interference problems under the existing Commission rules are inadequate. Apart from the petitioner in this proceeding, no other commenter has claimed that Section 90.173 of the Commission's rules has not worked well to ensure the resolution of interference problems by "mutually satisfactory arrangements" or, failing that, by implementing restrictions imposed by the Commission pursuant to its authority under that rule.

Unless the Commission can rule out the adequacy of both a variety of technical solutions and its own rule of "cooperation" as reasonable means of avoiding or resolving interference problems, the Commission cannot justify its proposed resort to a scheme of segregation which has serious implications for the development and deployment of AVM and other services and products far beyond any

necessary nor appropriate because it does not reflect the bandwidth realities of systems operations and it ignores the major role that functionality plays in directing the choice of systems design.

For the purposes of the Interagency Group and other users of electronic toll and traffic management systems, the Commission is urged to focus on "short-range"/"long-range" or "local area"/"wide area" service characteristics as a more meaningful and accurate way of distinguishing different AVM systems for regulatory purposes. See, e.g., Comments of Amtech at p.6-7; Comments of Hughes Aircraft Company at p.6-7; Comments of Lockheed Information Management Services Company at p.3; and, Comments of Mark IV at p.6-8.

> The rapid implementation of electronic toll and traffic management (ETTM) systems is underway in an increasing number of jurisdictions, justifying the Commission's recognition of the special needs of Government and quasi-Government entities for co-primary status, blanket licensing authorization, and extended "buildout" periods.

The Interagency Group urges the Commission to note the increasing interest that other State and local transportation agencies and related representative organizations are taking in this proceeding as reflected by their filing of initial Comments in response to the NPRM. See, e.g., Comments of the California Department of Transportation, Office of Telecommunications; Comments of the Florida Department of Transportation; Comments of the Harris County Toll Road Authority; Comments of the Maryland Transportation Authority; Comments of the New Jersey Highway Authority; Comments of the New York State Thruway Authority;

Comments of the Port Authority of New York and New Jersey; Comments of the Texas Turnpike Authority; Comments of the American Association of State Highway and Transportation Officials; Comments of the Intelligent Vehicle-Highway Society (IVHS) of America; and Comments of the International Bridge, Tunnel and Turnpike Association.

These Comments demonstrate that substantial public investments are being made across the United States in support of the goal of creating ETTM and other "advanced traffic management systems"

CERTIFICATE OF SERVICE

[redacted]